

### **REMARKS**

Upon entry of the present amendment, the claims in the application are currently amended claims 21, previously presented claim 22, and new claim 23.

In the last OA, it is stated that the drawings must show every feature of the invention specified in the claims. To comply with the objection to the drawings set out in the last OA, applicant has submitted a second sheet of drawings containing Figs. 3-8, to supplement the original sheet of drawings containing Figs. 1 and 2.

Amended claim 21 recites “a one-piece unitary rigid hook member”. In this connection, it is respectfully pointed out that specification paragraph [019] states “Preferably, but not necessarily, the hook number 1 may be fabricated from 3/8 inch diameter stainless steel, which is fabricated to form a unique predetermined configuration”. In addition, the specification paragraph [023] states “Preferably, but not necessarily, the hook member is formed from a 13-inch long stainless steel rod having a 3/8 inch diameter.”

Amended claim 21 also recites “said hook member is provided with a fixed predetermined opening between said sharp end portion and said second end portion”. In this connection, specification paragraph [024] states “It is important to note that there is a predetermined opening 11 between the tapered end portion 2 and the end portion 10.”

Amended claim 21 also recites, “said sharp end portion has a tapered end in the range of 30° to 45° taper for piercing said game animal, fish or marine animal thereto”. In this connection, it should be noted that specification paragraph [027] as originally filed read, “The tapered end portion 2 of the hook member may be passed through the flesh of the nostril of the game or large fish, or on heavier game, in the roof of the mouth or up through the cartilage of the game.”

**AMENDMENTS TO THE DRAWINGS:**

In addition to the original drawing Figs. 1 and 2, applicant submits herewith a second new sheet of drawings containing Figs. 3-8.

Amended claim 21 recites, “a strap member including a strap webbing, the end portions of which are folded back and secured at various portions to provide two loops in said strap webbing for insertion therethrough of said handle portion of said hook member”. Applicant respectfully points out that Fig. 2 shows the two loops 23 and 24, and specification paragraph [025] states, “The end portions of the strap webbing are folded back and sewn at 15, 16, 17, 18, 19, 20, 21 and 22 to provide loops 23 and 24 in the end of the webbing for insertion therethrough of the handle portion 8 of the hook number 1.”

The objection to claim 22 has been avoided by eliminating from its base claim 21 a double inclusion of the limitation objected to.

New claim 23 covers the subject matter of the recitation deleted from previous claim 21.

#### **Claim Rejections Under 35 USC § 103**

Previous claims 21 and 22 were rejected under 35 USC 103(a) as being unpatentable over Allen et al. (5,448,805) in view of Roberts (2,353,850).

Applicant respectfully traverses this rejection, especially in view of the amended claims 21-23.

The last OA concedes that the Allen et al. device does not teach that the first end (28) of the hook member has a shape end portion being tapered in the range of 30 to 45 degrees.

In addition, applicant respectfully submits that Allen et al. and Roberts, taken singly or in combination, fail to disclose or make obvious the structural elements as recited in amended claims 21-23.

For example, Allen et al. and Roberts, taken singly or in combination, fail to disclose the five straight side portions, and the two loops in the strap member as recited in amended claims 21-23.

In addition, it is important to note that the cited references also do not disclose or make obvious the predetermined angle between applicant's second hook portion 5 and applicant's third hook portion 6. This is an important feature in that this predetermined angle constitutes a reverse bend in the spine of the device to cause the load to hang straight and shift the weight toward the ground, and also to distribute the weight toward the ground to cause the hook to hang straight.

Previous claims 21 and 22 were rejected under 35 USC 103a as being unpatentable over Vickers in view of Lutz.

Applicant respectfully traverses this rejection, especially in view of the newly amended claims 21-23.

Applicant respectfully submits that Vickers and Lutz, taken singly or in combination, fail to disclose or make obvious the features recited in the amended claims 21-23.

The last OA concedes that Vickers does not teach that the first end of the hook member (3) has a shape end portion being tapered in the range of 30 to 45 degrees.

It is also respectfully submitted that Lutz teaches away from the present invention in that applicant's sharp end portion is for piercing the game animal, whereas Lutz teaches that this is to be avoided.

It is also noted that Lutz requires a machine for applying its device around the meat to be supported, but not pierced.

In addition, Lutz does not teach a rigid hook member.

The foregoing distinctions set forth above with respect to Allen et al. and Roberts apply with even greater force to the Vickers/Lutz rejection of the previous claims 21 and 22.

Applicant respectfully points out that the last OA is not correct in stating that Lutz teaches a hook 8 having a shape end portion 16 to penetrate the meat. This is contrary to the teaching of Lutz which is to avoid penetrating the meat.

Previously claims 21 and 22 were rejected over Robertson in view of Allen et al.

Applicant respectfully traverses this rejection, especially in view of the amended claims 21-23.

Applicant respectfully incorporates by reference thereto the distinctions set forth hereinabove which are equally applicable to the Robertson/Allen et al. rejection of previous claims 21 and 22.

It is respectfully submitted that Robinson or Allen et al., taken singly or in combination, fail to teach or make obvious the features set forth in newly amended claims 21-23.

Applicant respectfully submits that the artisan skilled in the technology of devices for hooking and dragging a game animal, fish or marine animal, would not look to the vehicle rack strap of Allen et al., nor to the safety box hook of Roberts, nor to the sling for small motors of Vickers. The only suggestion to combine or modify features of the applied references comes from the last OA, and not from the art itself.

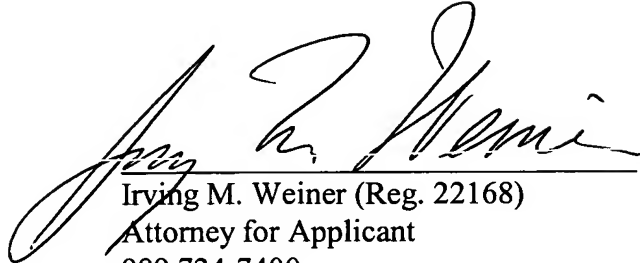
In light of the foregoing, applicant respectfully submits that the application is now in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not convinced that the application is now in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for applicant in an effort to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

Favorable reconsideration is respectfully requested.

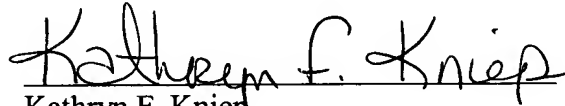
Respectfully submitted,

Date: August 19, 2005  
Weiner & Burt, P.C.  
635 N. US-23  
POB 186  
Harrisville, MI 48740

  
Irving M. Weiner (Reg. 22168)  
Attorney for Applicant  
989 724-7400  
Fax: 989 724-7100

**Certificate of Mailing**

I hereby certify that the foregoing amendment and its mentioned enclosure were sent by first class mail to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on August 19, 2005.

  
Kathryn F. Knier